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L. A. No. 11 of 1964.

NOTIFICATION

No. 1105-L.A. 7/64. *Dated, Trivandrum, 27th February* 1964.

The following Bill together with the Statement of Objects and Reasons, the Financial Memorandum and Memorandum regarding delegated legislation is published under Rule 67 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

Legislature Secretariat,
Trivandrum.

D. Tirumalai,
Secretary,
Legislative Assembly.

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L. A. Bill No. 11 of 1964.

THE KERALA PREVENTION AND CONTROL OF ANIMAL DISEASES BILL, 1964.

A

BILL

to unify and amend the law for the prevention and control of diseases affecting animals.

Preamble.—WHEREAS it is expedient to unify and amend the law for the prevention and control of diseases, affecting animals in the State of Kerala;

Be it enacted in the Fifteenth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Act may be called the Kerala Prevention and Control of Animal Diseases Act, 1964.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be appointed for different areas and for different provisions of this Act.

2. *Power to exempt areas from the provisions of this Act.*—Notwithstanding anything contained in section 1, the Government may, by notification in the Gazette, exempt any area from any, or all, of the provisions of this Act, or may, by like notification, direct that any provision of this Act shall apply to any area with such modifications, as may be specified.

3. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) "animal" means any domesticated animal or bird or any animal or bird kept in confinement;

(b) "export" means to take out of the State otherwise than across a customs frontier as defined by the Central Government;

(c) "infective animal" means any animal which is affected with a scheduled disease or has recently been in contact with or in close proximity to an animal so affected;

(d) "infected area" means any area declared as infected area by the Director of Animal Husbandry under section 20;

(e) "infected place" means any place declared as infected place under section 17, 18 or 19;

(f) "import" means to bring into the State otherwise than across a customs frontier as defined by the Central Government;

(g) "Inspector" means an inspector appointed under Section 5;

(h) "prescribed" means prescribed by rules made under this Act;

(i) "Scheduled disease" means any disease for the time being included in the schedule;

(j) "State" means the State of Kerala;

(k) "Veterinary Surgeon" means a Veterinary Surgeon appointed under section 4.

4. *Veterinary Surgeon.*—The Government may appoint any graduate of a recognised Veterinary College, as Veterinary Surgeon for the purposes of this Act and may define the area within which he shall exercise the powers and perform the duties of a Veterinary Surgeon under this Act.

(2) A Veterinary Surgeon shall have all the powers of an Inspector under this Act and may exercise such powers within the area of his jurisdiction.

5. *Inspectors.*—The Government may appoint any person possessing such qualifications as may be prescribed to be an Inspector for the purposes of this Act and may define the area within which he shall exercise the powers and perform the duties of an Inspector under this Act.

6. *Status of Veterinary Surgeons & Inspectors.*—Any person appointed under section 4 or section 5 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

7. *Powers of Inspector.*—As Inspector may, subject to any rules made on this behalf by the Government, enter and inspect any land, building, vessel, vehicle or other place for the purpose of exercising the powers or performing the duties conferred and imposed on his by or under this Act.

CHAPTER II

The Control of Disease

8. *Power to regulate inter-State trade and control transport of animals and things which may spread diseases.*—(1) Notwithstanding anything contained in the Livestock Importation Act, 1898 (Central Act 9 of 1898), the Government, for the purposes of preventing the outbreak or spread of any scheduled disease, may, by notification in the Gazette—

(i) prohibit or regulate in such manner and to such extent as they may think fit—

(a) the import, export or transport into the State, or any specified place therein, of any animal, alive or dead, or of any parts of an animal or of any kind of fodder, bedding or other things, which may in their opinion, carry infection;

(b) the holding of animal markets, animal fairs, animal exhibitions or other concentrations of animals in any specified area; and

(c) the sale or other dealings in infective animals alive or dead or any parts of animals, which at the time of their death were infective or any fodder, bedding or other thing used in connection with such animals which may in their opinion, carry infection,

(ii) direct that in any district or area to be specified in the notification, all animals shall be compulsorily inoculated and marketed in accordance with such rules as may be prescribed.

(2) The Government may, by notification in the Gazette, specify the season or seasons during which and the route or routes by which animals may be imported into the State; and no person shall import animals into the State otherwise than during the season and by the route so specified.

(3) The Government may establish quarantine stations for the inspection and detention of such animals along the route specified under sub section (2)

(4) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination if necessary, marking and issuing of a permit for the release of animals may be such as may be prescribed by the Government.

(5) The animals detained at a quarantine station shall remain under the care of the person in charge of such animals who shall be responsible for their feeding and upkeep and for the payment of fee for their vaccination and marking as may be prescribed by the Government.

9. *Cleaning, disinsecting and disinfection of vessels and vehicles.*—(1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed, disinsectised and disinfected periodically in such manner as may be prescribed.

(2) The Government may appoint places where an Inspector may detain and inspect any such vessel or vehicle and if it is not in a sanitary condition, require it to be cleansed, disinsectised and disinfected in the prescribed manner within such time as the Inspector may appoint.

(3) If such vessel or vehicle is not so cleansed, disinsectised and disinfected within the appointed time, the Inspector may cause it to be cleansed, disinsectised and disinfected at the expense of its owner.

10. *Duty of certain persons to report scheduled diseases.*—Every owner or person in charge of, every person importing, and every Veterinary Practitioner who has been called to treat, an animal which he has reason to believe to be infected with a scheduled disease shall forthwith report the fact to the Inspector exercising powers in the area.

11. *Powers of Veterinary Surgeons to hold post-mortem examination.*—Subject to such rules as may be made in this behalf the Veterinary Surgeon may make, or cause to be made, a post-mortem examination of any animal which at the time of its death was infective or is suspected to have been then infective, and for this purpose, he may cause the carcass of any such animal to be exhumed.

12. *Powers to isolate infective animals.*—(1) Where an Inspector has reason to believe that any animal is infective, he may, by order in writing, direct the owner or person in charge of such animal to keep it where it is for the time being or to remove it or allow it to be removed to such place of isolation or segregation and within such period as may be specified in the order:

Provided that where there is no person in charge of the animal and the owner is unknown, or the order cannot be communicated to him without undue delay or the person in charge of the animal refuses to do as ordered above, the Inspector may sieze the animal and remove it to a place of isolation or segregation.

(2) The Inspector shall forthwith report every order or seizure under this section to the Veterinary Surgeon.

13. *Examination by the Veterinary Surgeon.*— (1) On receipt of a report under sub-section (2) of section 12, the Veterinary Surgeon shall examine the animal, as soon as possible and may also examine all animals with which it has been in contact or in close proximity to, and for this purpose may subject any such animal to any test which the Government may prescribe in this behalf.

14. *Action after examination by the Veterinary Surgeon.*—(1) If, after such examination the Veterinary Surgeon is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person, who in his opinion, is entitled to its possession:

Provided that where such person cannot without undue inconvenience be found, the Inspector shall send the animal to the nearest cattle-pound or deal with it in such other manner as may be prescribed.

(2) If, after such examination, the Veterinary Surgeon certifies that the animal is infected with a scheduled disease, the Inspector shall destroy the animal or deal with it in such other manner as may be prescribed.

(3) If, after such examination, the Veterinary Surgeon certifies that the animal is infective though not affected with a scheduled disease, the animal shall be dealt with in such manner as may be prescribed.

15. *Compensation for animals destroyed.*—Compensation may be paid to the owner of an animal destroyed under section 14, and such compensation shall be determined in accordance with the rules to be made in this behalf by the Government:

Provided that no compensation shall be payable—

(1) to any person convicted of any offence punishable under this Act, committed in respect of such animal; or

(2) - in respect of any animal which, when it was brought into the State was infected with the disease on account of which it was destroyed.

16. *Power to require disinfection of infected premises, vessels or vehicles*— (1) Subject to any rules made in this behalf the Veterinary Surgeon, may by order in writing, require the owner, occupier or person in charge of any building, yard, vessel or vehicle in which there has been an infective animal or other material, to have such building, yard, vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

(2) Subject as aforesaid, if such owner, occupier or person fails to comply with the requirements of such order within a reasonable time, the Inspector may cause such building, yard, vessel or vehicle to be

disinfected and the internal fittings and other things to be disinfected or destroyed, at the expense of the owner.

17. *Declaration of Private Infected places.*—(1) If the Inspector has reason to believe that there is an infective animal in any field, yard or building in which animals are kept, temporarily or otherwise, he shall at once, by order in writing, declare the place to be an infected place, and shall deliver a copy of the order to the owner, occupier or person in charge of the place and report his action to the Veterinary Surgeon.

(2) This section shall not apply to any place owned by or under the control or management of any local authority or railway administration, where animals are temporarily kept for sale or exhibition or in transit.

18. *Examination of infected place by Veterinary Surgeons*— (1) The Veterinary Surgeon shall, as soon as possible, examine the infected place and the animals kept therein and may cancel or confirm the order of the Inspector.

(2) If he confirms the order, he may cause notice to be served on the owners, occupiers or persons in charge of all places in which animals are kept, temporarily or otherwise, within a radius not exceeding one mile from the infected place, declaring such places to be infected places. The Veterinary Surgeon shall forthwith report his actions under the sub-section to the Director of Animal Husbandry.

(3) If the Veterinary Surgeon cancels the order passed by the Inspector, the place specified in such order shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

19. *Declaration of infected places of a public character.*— (1) Where the Veterinary Surgeon has reason to believe that infective animals are or have been kept in any place owned, controlled or managed by any local authority or railway Administration and in which animals are temporarily kept for purposes of sale, transit or exhibition, he may, by order in writing, declare such place to be an infected place.

(2) The Veterinary Surgeon shall cause a copy of such order in the language of the locality to be exhibited prominently in the infected place, and he shall deliver copies at the office of the local authority or to the nearest Station Master of the railway administration, as the case may be, and shall also send a copy to the nearest police station and shall report his action forthwith to the Director of Animal Husbandry.

20. *Declaration of infected areas by the Director of Animal Husbandry.*—

(1) On receipt of the report of the Veterinary Surgeon under sub-section (2) of section 18 or under sub-section (2) of section 19 and after such further enquiry, if any, as he may think fit, the Director of Animal Husbandry—

(a) may cancel any declaration made under section 18 or section 19; or

(b) may confirm such declaration either with or without modification.

(2) Where the Director of Animal Husbandry cancels any declaration, the Inspectorshall give notice of the cancellation to all persons to whom copies of such declaration were delivered or on whom notices of such declaration were served.

(3) Where the Director of Animal Husbandry confirms such declarations, either with or without modifications, he shall, by notification in the Gazette, defining the limits of the area to which the notification shall apply, declare such area to be an infected area.

(4) On the issue of such notification, any place declared by the Inspector or the Veterinary Surgeon to be an infected place and not included in the infected area so defined shall cease to be an infected place and the Inspector shall give notice accordingly to the owner, occupier or person in charge of such place.

(5) The Inspector shall cause to be exhibited in some prominent place in the infected area and in the language of the locality, a copy of the notification under sub-section (3) and shall also cause to be so exhibited a copy of any subsequent notification, adding to, amending, varying or rescinding such notification.

21. *Removal of animals and things from the infected areas or places.*—(1) No person shall remove from any infected area or place, any animal, dead or alive, or any part of an animal, or any fodder, bedding or other thing used in connection with animals, save in accordance with the conditions of a licence granted by the Inspector.

(2) Nothing in this section shall prevent the transit by railway through an infected area or place of any animal or thing:

Provided that where any animal or thing described in sub-section (1) while in transit through an infected area or place is unloaded therein, it shall not be removed therefrom save in accordance with sub-section (1).

22. *Power to require return of animals or thing to infected place or areas.*—Where any animal or thing is removed from an infected area or place otherwise than in accordance with a licence granted under section 21, any Inspector or Police officer may require the owner or person in charge of such animal or thing to return it to such area or place and if the owner or person in charge fails to do so within a reasonable time, may cause it to be returned at the expense of the owner without further delay:

Provided that nothing in this section shall affect the powers of an Inspector under section 12 to deal with infective animals.

23. *Time for complying with and enforcement of orders.*—Where by any notice, requisition or order under this Act or under any notification or rules issued thereunder any person is required to take any measures or to do anything in respect of any property owned or occupied by him or in his charge a reasonable time shall be specified in such notice, requisition or order within which such measures shall be taken or such thing shall be done, as the case may be.

24. *Recovery of expense incurred under this chapter.*— Where any action may be taken under this Chapter in respect of any property at the expense of the owner thereof, the officer taking such action may frame

a certificate stating the amount of the expense incurred and the person from whom such amount is recoverable, and any Magistrate to whom such certificate is presented may after such enquiry as he may think fit recover such amount as if it were a fine imposed by him on such person.

CHAPTER—III

Penalties and Procedure

25. *Penalties for contravention of provisions of the Act and rules.*—Whoever—

(a) removes from any part of the State any animal alive or dead or any part of an animal or any fodder, bedding or other thing in contravention of a notification issued under clause (i)(a) of sub-section (1) of section 8;

(b) holds or promotes or taken part in any market, fair, exhibition or other concentration of animals in contravention of a notification issued under clause (i)(b) of sub-section (1) of section 8;

(c) sells or attempts to sell or traffic in, an infective animal, or its products or the carcass of an animal which, at the time of its death, was infective in contravention of clause (i)(c) of sub-section (1) of section 8;

(d) fails to comply with a direction under Clause (ii) of Sub-section (1) of section 8;

(e) imports animals in contravention of sub-section (2) of section 8;

(f) being a common carrier, fails to cleanse, disinsectise or disinfect any vessel or vehicle used for the transport of animals in such manner as may be required under sub-section (1) of section 9, or as may be required by the Inspector under sub-section (2) of that section;

(g) fails in contravention of section 10, to report that an animal is infective;

(h) fails to comply with an order made by an Inspector under sub-section (1) of section 12;

(i) fails to comply with an order made by the Veterinary Surgeon under sub-section (1) of section 16;

(j) removes any animal or thing from any infected place or area in contravention of section 21;

shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees, and in the case of a second or subsequent conviction, to five hundred rupees.

26. *Penalty for keeping or grazing infective animal in unenclosed land.*—Whoever keeps or grazes in or on any forest, open field, roadside or other unenclosed land to which other persons have a right of access for their animals, any animal which he knows to be infective, shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or in the case of a second or subsequent conviction, to five hundred rupees.

27. *Penalty for bringing infective animals to the market.*—Whoever brings, or attempts to bring into any market, fair, exhibition or other concentration of animals, any animal, which he knows to be affected with

a scheduled disease, shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or in the case of a second or subsequent conviction, to five hundred rupees.

28. *Penalty for placing carcass of infective animal in river, canal, etc.*—Whoever places, or causes or permits to be placed in any river, canal or other water, or in the sea within ten miles of the shore the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective shall be punishable with imprisonment for a term which may extend to six months or to fine which may extend in the case of a first conviction, to one hundred rupees and in the case of a second or subsequent conviction, to five hundred rupees, or with both.

29. *Penalty for disinterring carcass of diseased animal.*—Whoever, without lawful authority, disinters or causes to be disintered the carcass or part of the carcass of any animal which at the time of its death was infective or which has been destroyed as being infective or suspected of being infective, shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees or in the case of a second or subsequent conviction, to five hundred rupees.

30. *Penalty for malicious and vexatious entry or seizure by Inspector.*—(1) Whoever, being an Inspector, maliciously and vexatiously enters or inspects any land, building, vessel, vehicle or other place or seizes or detains any animal, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

(2) No prosecution under this section shall be instituted after the expiry of three months from the date on which the offence was committed.

31. *Arrest without order or warrant*—Any police officer not below the rank of Sub-Inspector of Police may, without an order from a Magistrate and without a warrant, at the written request of the Veterinary Surgeon, arrest any person, who has been concerned in an offence against any of the provisions of this Act relating to infected areas or places or infected animals.

32. *Institution of proceedings.*—No prosecution under this Act shall be instituted except by or under the authority of the Veterinary Surgeon.

33. *Jurisdiction of Magistrates.*—No Magistrate other than a Magistrate of the First class or a Magistrate of the Second class specially empowered in this behalf by the Government shall try any offence under this Act.

34. *Bar of claim to compensation.*—No person shall be entitled to any compensation in respect of the destruction of any animal or thing or to any other loss, injury, detriment or inconvenience caused to him by reason of anything done under this Act in good faith except as provided for under section 15.

35. *Power of Government to make rules.*—(1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the foregoing provision such rules may be made for all or any of the following matters, namely:—

(a) the manner of examination of animals under section 13;

(b) the determination of the compensation payable under section 15;

(c) the exercise of powers of the Veterinary Surgeon and Inspector under section 16;

(d) the form and contents of the licences to be granted by an Inspector under section 21 and the circumstances under which they may be granted;

(e) the cleansing, disinsectising and disinfection of vessels or vehicles used by common carriers, the cleansing and disinfection of buildings, yards and other places used for animals and the destruction of infected matter or things found therein or near thereto;

(f) the manner in which animals shall be destroyed, and the manner in which carcass or parts of carcass, fodder, bedding or other things seized shall be disposed of;

(g) the test to be applied to animals suspected of being infective;

(h) the duties to be performed and the functions to be exercised by an Inspector;

(i) any other matter which has to be or may be prescribed.

(3) In making a rule under this section the Government may direct that a breach of it shall be punishable with fine which may extend, in the case of a first conviction, to one hundred rupees and in the case of subsequent conviction to five hundred rupees.

36. *Amendment of the Schedule.*—The Government may by notification in the Gazette—

(a) omit any entry from the Schedule; or

(b) include in the Schedule any communicable disease of animals to which it is expedient in their opinion that the provisions of this Act shall apply.

37. *Rules and notifications issued under section 36 to be laid before the Legislature.*—Every rule made under this Act and every notification issued under section 36 shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees that the rule or notification should be either modified or annulled, the rule or notification shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or notification.

38. *Protection to persons acting under the Act.*—No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act.

39. *Repeal.*—The Madras Cattle Disease Act, 1866 (II of 1866) and the Madras Rinderpest Act, 1940 (XIX of 1940) as in force in the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956 and the Travancore Animals Diseases Act, 1094 (XI of 1094), the Travancore Glanders and Farcy Act,1 091 (V of 1091), the Cochin Cattle Diseases Prevention Act, 1093 (II of 1093) and the Cochin Glanders and Farcy Act, 1093 (VI of 1093) are hereby repealed.

SCHEDULE

1. Rinderpest or Cattle Plague
2. Foot and Mouth Disease
3. Haemorrhagic Septicaemia
4. Blackquarter
5. Anthrax
6. Tuberculosis
7. Johne's Disease
8. Glanders and Farcy
9. Epizootic Lymphangitis
10. Dourine
11. Rabies
12. Surra
13. Strangles
14. Contagious caprine pleuro pneumonia
15. Brucellous
16. Contagious Bovine Pleuro Pneumonia
17. Swine fever
18. Ranikhet Disease
19. Salmonellosis
20. South African Horse Sickness

STATEMENT OF OBJECTS AND REASONS

The laws relating to prevention and control of diseases affecting animals in this State are the Travancore Animal Diseases Act, 1094, the Travancore Glanders and Farcy Act, 1091, in force in Travancore area, the Cochin Cattle Diseases Prevention Act, 1093, the Cochin Glanders and Farcy Act, 1093, in force in Cochin area and the Madras Cattle Diseases Act, 1866, and the Madras Rinderpest Act, 1910, in force in the Malabar area. The Bill is to unify and amend those laws and will apply to the entire State of Kerala.

Financial Memorandum

The Bill provides for the establishment of quarantine stations or check posts for the inspection and detention of animals along the route specified under sub-section (3) of section 8. Twelve such quarantine stations are proposed to be established and they will be in charge of 8 Veterinary Surgeons attached to the nearest Veterinary Institutions. These Veterinary Surgeons will have to be paid an additional allowance for the new duties imposed on them. It is anticipated that an expenditure of Rs. 79,636 per annum will be involved in the implementation of the measure.

Clanse 15 of the Bill provides for compensation to be paid by the Government to the owners of animals destroyed. The actual expendi, ture that will have to be met for this item cannot be gauged now.

Memorandum Regarding Delegated Legislation

Clanse 2 empowers the Government to direct, by notification in the Gazette, that any provision of the Act shall apply to any area with such modifications, as may be specified therein.

Clanse 8(ii) authorises the Government to make rules for compulsory inoculation and marking of animals.

Clanse 9 authorises the Government to make rules for disinfecting every vehicle or vessel used for transporting animals.

Clause 13 empowers the Government to frame rules for examination by the Veterinary Surgeon.

Sub-clause (3) of clause 14 empowers the Government to prescribe rules for dealing with infective animals.

Clause 35 empowers the Government to make rules for the purpose of carrying into effect the provisions of the Act.

Clause 37 empowers the Government to amend the schedule by deleting or incorporating any entry, by notification in the Gazette.

The matters in respect of which rules may be made are those expressly required or allowed by the Act to be prescribed and others of a routine and administrative character.

The rules shall be laid before the Legislative Assembly and it shall be subject to their approval.

The delegation is of a normal character.

E. P. POULOSE.